



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
January 26, 2004**

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02-04

DS:ds

The meeting was called to order at 9:30 a.m., with all Members being present, with the exception of Supervisor DuBois, Supervisor Frey, and Supervisor Gross, and with Chairman Connolly presiding.

Supervisor DuBois and Supervisor Gross arrived at 9:32 a.m.

Supervisor Frey arrived at 9:42 a.m.

Others present were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTER

1. **MOMENT OF SILENCE** (9:30 a.m.)

(BACs) Chairman Connolly asked everyone to keep in thoughts the family of Ms. Toni W. McMahon, who died recently. Ms. McMahon was the President of the Fairfax Arts Council.

Supervisor Hyland asked everyone to keep in thoughts the family of Mr. Louis V. Genuario, Sr., who died recently. Mr. Genuario was a Mount Vernon District citizen who had a distinguished career in the military and the private sector with his business.

Supervisor Bulova asked everyone to keep in thoughts the family of Mr. Larry E. Willner, who died recently. Mr. Willner served on the Consumer Protection Commission.

AGENDA ITEMS

2. **RESOLUTION OF RECOGNITION PRESENTED TO CHIEF J. THOMAS MANGER** (9:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Resolution of Recognition presented to Chief J. Thomas Manger, Fairfax County Police Department, for his service to the County. The motion was multiply seconded and it carried by a vote of nine, Supervisor Frey not yet having arrived.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

3. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. JANE KORNBLUT** (9:46 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Ms. Jane Kornblut for her leadership of Volunteer Fairfax. Supervisor Hyland seconded the motion and it carried by unanimous vote.

4. **PROCLAMATION DECLARING FEBRUARY AS "AFRICAN - AMERICAN HISTORY MONTH" IN FAIRFAX COUNTY** (9:51 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to declare February as "*African-American History Month*" in Fairfax County. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion and it carried by unanimous vote.

Chairman Connolly asked unanimous consent that the Board direct staff to invite the County Employee Choral Group to sing before the Board at one of the February meetings. Without objection, it was so ordered.

5. **PROCLAMATION DECLARING FEBRUARY 6, 2004, AS "CHILDREN'S DENTAL ACCESS DAY" IN FAIRFAX COUNTY** (9:58 a.m.)

Chairman Connolly moved approval of the Proclamation to declare February 6, 2004, as "*Children's Dental Access Day*" in Fairfax County. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. RICHARD COMBS** (10:03 a.m.)

Chairman Connolly announced that Mr. Richard Combs was unable to attend today's meeting due to the inclement weather. The presentation of this certificate will be rescheduled for a later date.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO MR. JERRY HUBBARD** (10:04 a.m.)

Supervisor Hudgins moved approval of the Certificate of Recognition presented to Mr. Jerry Hubbard for his years of service to Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

8. **CERTIFICATE OF RECOGNITION PRESENTED TO MS. DIANE MCINTYRE** (10:13 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition presented to Ms. Diane McIntyre for becoming president of the Voter Registrars Association of Virginia. Supervisor McConnell seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

PW:pw

9. **10 A.M. – PRESENTATION BY THE FAIRFAX COUNTY HISTORY COMMISSION OF ITS ANNUAL REPORT** (10:17 a.m.)

Lynne Garvey Wark, Incoming Chair, Fairfax County History Commission, presented its annual report.

A brief discussion ensued with input from Ms. Wark.

10. **10:15 A.M. – PRESENTATION OF A CITATION TO FAIRFAX COUNTY FOR ITS RECERTIFICATION AS A GOLD LEVEL CHESAPEAKE BAY PARTNER COMMUNITY** (10:26 a.m.)

Chairman Connolly noted that due to the inclement weather today, this presentation would be deferred until a later date.

11. **10:30 A.M. – REPORT ON GENERAL ASSEMBLY ACTIVITIES** (10:27 a.m.)

Following his brief report, Chairman Connolly, Chair, Board's Legislative Committee, relinquished the Chair to Vice-Chairman Bulova and moved adoption of the Legislative Report dated January 26, 2004, and the preparation of the draft letter regarding Medicaid to The Honorable Phillip A. Hamilton, Chairman, Health and Human Resources Subcommittee, from the Board. Supervisor Hyland seconded the motion.

Following additional discussion, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12.

10:45 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS (10:30 a.m.)

(APPTS)

(BACs)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to prepare a Certificate of Appreciation for his and Supervisor Smyth's signatures for Elaine Waggener, former Providence District Representative to the A. Heath Onthank Memorial Award Selection Committee. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The Board deferred the appointments of the Braddock, Dranesville, Providence, and Sully District Representatives to the A. Heath Onthank Memorial Award Selection Committee.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointments of the Lee and Providence District Representatives to the Advisory Social Services Board.

Because Supervisor McConnell was out of the room, the Board deferred the appointment of the Springfield District Representative to the Advisory Social Services Board until later in the meeting.

(NOTE: Later in the meeting, the Board again deferred the appointment of the Springfield District representative to this board. See page 5.)

AIRPORTS ADVISORY COMMITTEE

Supervisor Smyth moved the appointment of Mr. Norman Neiss as the Providence District Representative to the Airports Advisory Committee. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointment of the Dranesville District Representative to the Airports Advisory Committee.

Because Supervisor McConnell was out of the room, the Board deferred the appointment of the Springfield District Representative to the Airports Advisory Committee until later in the meeting.

(NOTE: Later in the meeting, the Board again deferred the appointment of the Springfield District Representative to this board. See page 6.)

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointment of the Related Professional Group #1 Representative to the Architectural Review Board.

Supervisor Gross noted that last fall a nominee to fill the Related Professional Group #1 Representative had been submitted by the Architectural Review Board and she asked unanimous consent that the Board direct staff to locate that information for consideration. Without objection, it was so ordered.

ATHLETIC COUNCIL

Chairman Connolly moved the reappointment of Mr. J. Marcelo Gangotena as the At-Large Diverse Population Representative to the Athletic Council. Supervisor Gross seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

The Board deferred the appointment of the Women's Sports Association Alternate Representatives to the Athletic Council.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Athletic Council:

- Mr. Thomas Moore, Jr. as the Youth Basketball Council Advisory Board Representative

Supervisor Gross seconded the motion, which carried by unanimous vote.

ADVISORY SOCIAL SERVICES BOARD

The Board deferred the appointment of the Springfield District Representative to the Advisory Social Services Board.

(NOTE: Earlier in the meeting, the Board deferred appointments to this board. See page 4.)

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative to the Airports Advisory Committee.

(NOTE: Earlier in the meeting, the Board took action on this board. See page 5.)

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Supervisor Frey asked unanimous consent that the Board direct staff to invite Mr. James Winston Bray, Appraiser #3 Representative, to appear before the Board to be recognized for his many years of service to the Board of Equalization of Real Estate Assessments along with former members Mr. Richard Mortimer and Mr. Frederick Suffa. Without objection, it was so ordered.

The Board deferred the appointments of the Appraiser #1, Appraiser #3, and Freeholder #1 Representatives to the Board of Equalization of Real Estate Assessments.

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE

Supervisor DuBois moved the appointment of Mr. Robert Jordan as the Dranesville District Representative to the Chesapeake Bay Preservation Ordinance Exception Review Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

CHILD CARE ADVISORY COUNCIL

The Board deferred the appointment of the Springfield District Representative to the Child Care Advisory Council.

CIVIL SERVICE COMMISSION

The Board deferred the appointment of the At-Large #4 Representative to the Civil Service Commission.

COMMISSION FOR WOMEN

The Board deferred the appointment of the Dranesville District Representative to the Commission for Women.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

Chairman Connolly moved the reappointment of the Reverend Jane St. John as the Religious Community Representative to the Commission on Organ and Tissue

Donation and Transplantation. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the At-Large (Minority) Representative and the Sully District Representative to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD

The Board deferred the appointment of the Dranesville District Representative to the Community Action Advisory Board.

CONSUMER PROTECTION COMMISSION

Supervisor Bulova moved the appointment of Ms. Marilyn Blois as the Fairfax County Resident #7 Representative to the Consumer Protection Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the appointment of Mr. Melvin Murphy to fill the unexpired term of Mr. Stephen Shannon as the Fairfax County Resident #3 Representative to the Consumer Protection Commission. Chairman Connolly seconded the motion, which carried by unanimous vote.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

Supervisor DuBois moved the reappointment of Mr. Wade Smith as the Dranesville District Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Donald Emerson as the Providence District Representative to the Countywide Non-Motorized Transportation (Trails) Committee. Supervisor Gross seconded the motion, which carried by unanimous vote.

CONFIRMATIONS:

Supervisor Gross moved the confirmations of the following appointments to the Countywide Non-Motorized Transportation (Trails) Committee:

- Mr. Walter Brodtman as the Washington Area Bicycle Association Representative
- Ms. Mary Flowers as the Clifton Horse Society Representative

- Mr. Paul Johnson as the Northern Virginia Building Industry Association Representative

Supervisor Bulova seconded the motion, which carried by unanimous vote.

CRIMINAL JUSTICE ADVISORY BOARD

Supervisor Smyth moved the appointment of Mr. Robert Freeman as the Providence District Representative to the Criminal Justice Advisory Board. Supervisor Gross seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Mason and Springfield District Representatives to the Criminal Justice Advisory Board.

ENVIRONMENTAL QUALITY ADVISORY COUNCIL

Supervisor Smyth moved the reappointment of Mr. George Lamb as the Providence District Representative to the Environmental Quality Advisory Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

Supervisor Frey moved the appointment of Mr. Terrell Spence to fill the unexpired term of Mr. Gabriel Markisohn as the Sully District Representative to the Environmental Quality Advisory Council. Supervisor Hyland seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Springfield District Representative to the Environmental Quality Advisory Council.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the At-Large Business Community Representative and Dranesville District Representative to the Fairfax Area Disability Services Board.

FAIRFAX COUNTY CONSTRUCTION TRADES ADVISORY BOARD

The Board deferred the appointments of the Gas Fitter Tradesman, HVAC Tradesman #1 and #2, and Plumbing Tradesman #1 and #2 Representatives to the Fairfax County Construction Trades Advisory Board.

FAIRFAX COUNTY SMALL BUSINESS COMMISSION

Chairman Connolly moved the reappointment of Mr. Thomas Kim as the At-Large #3 Representative to the Fairfax County Small Business Commission. Supervisor Gross seconded the motion, which carried by unanimous vote.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Supervisor Gross moved the appointment of Ambassador Josiah Horton Beeman to fill the unexpired term of Ms. Luz Diago as the Mason District Representative to the Fairfax-Falls Church Community Services Board. Supervisor Hudgins seconded the motion, which carried by unanimous vote.

GEOTECHNICAL REVIEW BOARD**CONFIRMATIONS:**

Supervisor Hudgins moved the confirmations of the following appointments to the Geotechnical Review Board:

- Mr. Ralph Beene, P.E. as the Primary #1 Representative
- Mr. J. Christopher Giese, P.E. as the Alternate #2 Representative

Supervisor Kauffman seconded the motion, which carried by unanimous vote.

HEALTH CARE ADVISORY BOARD

Supervisor Frey moved the appointment of Ms. Edna Cruz to fill the unexpired term of Ms. Judith Beattie as the Sully District Representative to the Health Care Advisory Board. Supervisor Hyland seconded the motion, which carried by unanimous vote.

HEALTH SYSTEMS AGENCY BOARD

The Board deferred the appointment of the Provider #1 Representative to the Health Systems Agency Board.

HISTORY COMMISSION

Chairman Connolly moved the reappointment of Mr. Robert Beach as the Architect Representative to the History Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

Supervisor Frey asked unanimous consent that the Board direct staff to prepare a certificate of appreciation for Carol Friedman, former Citizen #5 Representative to the History Commission. Without objection, it was so ordered.

The Board deferred the appointments of the Citizen #5 and Citizen #8 Representatives to the History Commission.

HUMAN SERVICES COUNCIL

The Board deferred the appointment of the Springfield District #2 Representative to the Human Services Council.

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE

Supervisor Smyth moved the reappointment of Mr. Edward Blum as the Providence District Representative to the Information Technology Policy Advisory Committee. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Sully District Representative to the Information Technology Policy Advisory Committee.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Supervisor DuBois moved the reappointment of Ms. Elisabeth Ramage as the Dranesville District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

Supervisor Smyth moved the reappointment of Mr. Keil Green as the Providence District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Chairman Connolly seconded the motion, which carried by unanimous vote.

The Board deferred the appointment of the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

LIBRARY BOARD

The Board deferred the appointment of the Lee District Representative to the Library Board.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

The Board deferred the appointments of the At-Large Chairman's Representative and the Braddock District Representative to the Oversight Committee on Drinking and Driving.

PARK AUTHORITY

Chairman Connolly moved the appointment of Mr. George Lovelace to fill the unexpired term of Mr. Phillip Niedzielski-Eichner as the At-Large #2 Representative to the Park Authority. Supervisor Bulova seconded the motion, which carried by unanimous vote.

ROAD VIEWERS BOARD

Chairman Connolly moved the reappointment of Mr. John W. Ewing as the At-Large #2 Representative to the Road Viewers Board. Supervisor Bulova seconded, which carried by unanimous vote.

TENANT LANDLORD COMMISSION

Chairman Connolly moved the reappointment of Mr. Christopher Lee Kocsis as the Landlord Member #2 Representative to the Tenant Landlord Commission. Supervisor Bulova seconded the motion, which carried by unanimous vote.

The Board deferred the appointments of the Condominium Owner and Tenant Member #3 Representatives to the Tenant Landlord Commission.

TREE COMMISSION

Supervisor Hudgins moved the appointment of Ms. Kate Davidson as the Hunter Mill District Representative to the Tree Commission. Supervisor Hyland seconded the motion, which carried by unanimous vote.

AD HOC COMMITTEES**TELECOMMUNICATION LAND USE REGULATIONS TASK FORCE-MONOPOLES**

The Board deferred the appointment of the Sully District Representative to the Telecommunication Land Use Regulations Task Force-Monopoles.

DS:ds

13. **ADMINISTRATIVE ITEMS** (10:42 a.m.)

Supervisor Gross moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Chairman Connolly called the Board's attention to:

- Admin 8 – Supplemental Appropriation Resolution (SAR) AS 04066 for the Fairfax County Police Department to Accept Virginia Department of Motor Vehicles Grant Funds for a "Click It or Ticket" Enforcement Program
- Admin 9 – SAR AS 04067 for the Fairfax County Police Department to Accept Virginia Department of Motor Vehicles Grant Funds for a Speed/Racing Abatement Program
- Admin 11 – SAR AS 04065 for the Fairfax County Police Department to Accept Virginia Department of Motor Vehicles Grant Funds to Continue the Smooth Operator Enforcement/Education Program

and stated that staff did not provide an adequate amount of detail for these items. Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff, in future items like these, to provide more detail. Without objection, the request was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

ADMIN 1 – STREETS INTO THE SECONDARY SYSTEM (DRANESVILLE, HUNTER MILL, MOUNT VERNON, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Brookside Manor, Section 2	Dranesville	Hillside Drive Route 1012 Additional ROW Only

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
		Idylwood Road Route 695 Additional ROW Only
New Dominion Parkway, Reston, Section 933	Hunter Mill	New Dominion Parkway Route 6363 (4 lanes)
Mason's Passage, Section One	Mount Vernon	Richmond Highway Route 1 Additional ROW Only Gunston Road Route 600 Additional ROW Only
West Oaks II	Providence	Virginia Oaks Drive Oakton Road Route 664 Additional ROW Only
Balmoral Greens, Section 2	Springfield	Balmoral Greens Avenue Route 8880 Cannon Fort Drive Balmoral Terrace

ADMIN 2 – EXTENSION OF REVIEW PERIOD FOR A 2232 PUBLIC FACILITY REVIEW APPLICATION (SPRINGFIELD DISTRICT)

Authorized the extension of review period for Public Facility (2232) Review Application 2232-S03-13 to July 26, 2004.

ADMIN 3 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), ARTICLES 2, 3, AND 7 TO UPDATE IRS QUALIFICATION STATUS OF RETIREMENT PLANS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 4:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Articles 2, 3, and 7, to update IRS qualification status of retirement plans.

ADMIN 4 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04062 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING, ON BEHALF OF THE NORTHERN VIRGINIA WORKFORCE INVESTMENT BOARD (NVWIB), FROM THE VIRGINIA EMPLOYMENT COMMISSION (VEC) TO CONTINUE THE METROTECH PROGRAM FOR THE TRAINING AND EMPLOYMENT OF DISLOCATED WORKERS IN HIGH TECHNOLOGY FIELDS

- (SAR) Approved SAR AS 04062 in the amount of \$423,702 from the VEC on behalf of the NVWIB for DFS to continue the MetroTech Program. No local cash match is required.

ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 6613 OLD CHESTERBROOK ROAD (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **Monday, February 23, 2004, at 4:30 p.m.** to consider adoption of a Spot Blight Abatement Ordinance for 6613 Old Chesterbrook Road, McLean, (Tax Map Number 030-4-((04))-0053).

ADMIN 6 – AUTHORIZATION FOR FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO ACCEPT GRANT AWARDS FOR THE FISCAL YEAR 2003 US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S (HUD) SUPER NOTICE OF FUNDING AVAILABILITY

Authorized FCRHA to accept the following grants:

- \$20,169 for the Housing Choice Voucher Family Self-Sufficiency Program
- \$100,000 for the Resident Opportunities and Self-Sufficiency (ROSS) Program
- \$100,000 for the ROSS Resident Resident Service Delivery Models for the Elderly and Persons with Disabilities Program

**ADMIN 7 – SUPPLEMENTAL APPROPRIATION RESOLUTION'S (SAR)
AS 04019, 04068, AND 04069 FOR THE DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT AND PATHWAY HOMES TO
ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT FOR SHELTER PLUS CARE
GRANTS**

- (SARs) Approved SAR's AS 04019, 04068, and 04069 in the amounts of \$748,080 for 2003 grant award, \$166,380 for the 1995 renewal grant award, and \$124,680 for the 1996 renewal grant award for DHCD to continue to provide funding for permanent supportive housing for adults with disabilities. No local cash match is required.

**ADMIN 8 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04066 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR
VEHICLES (DMV) GRANT FUNDS FOR A "CLICK IT OR TICKET"
ENFORCEMENT PROGRAM**

- (SAR) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 12.)

Approved SAR AS 04066 in the amount of \$20,000 from the Virginia DMV for the FCPD to fund the "Click It or Ticket" Enforcement Program. No local cash match is required.

**ADMIN 9 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04067 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR
VEHICLES (DMV) GRANT FUNDS FOR A SPEED/RACING
ABATEMENT PROGRAM**

- (SAR) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 12.)

Approved SAR AS 04067 in the amount of \$10,000 from the Virginia DMV for the FCPD to fund the Speed/Racing Abatement Program. No local cash match is required.

**ADMIN 10 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04053 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO
ACCEPT GRANT FUNDS FROM THE VIRGINIA DEPARTMENT OF
SOCIAL SERVICES (DSS) TO CONTINUE THE VIRGINIA INSTITUTE
FOR SOCIAL SERVICES TRAINING ACTIVITIES (VISSTA)
PROGRAM TRAINING FOR HUMAN SERVICES STAFF AND
LICENSED AND NON-LICENSED DAY CARE PROVIDERS**

- (SAR) Approved SAR AS 04053 in the amount of \$322,372 for DFS to provide a wide range of skills training to DFS staff, other local DSS's and licensed and non-licensed day care homes and facilities across Northern Virginia. No local cash match is required.

**ADMIN 11 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR)
AS 04065 FOR THE FAIRFAX COUNTY POLICE DEPARTMENT
(FCPD) TO ACCEPT VIRGINIA DEPARTMENT OF MOTOR
VEHICLES (DMV) GRANT FUNDS TO CONTINUE THE SMOOTH
OPERATOR ENFORCEMENT/EDUCATION PROGRAM**

- (SAR) (NOTE: Earlier in the meeting, there was a brief discussion regarding this item. See page 12.)

Approved SAR AS 04065 in the amount of \$45,000 from the Virginia DMV for FCPD to continue funding the Smooth Operator Enforcement/Education Program. No local cash match is required.

**ADMIN 12 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON A PROPOSAL TO VACATE MEADOW BROOK DRIVE
(SPRINGFIELD DISTRICT)**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 4 p.m.** to consider the vacation of Meadow Brook Drive.

**ADMIN 13 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING
ON THE PROPOSED CONSOLIDATED PLAN ONE YEAR ACTION
PLAN FOR FISCAL YEAR (FY) 2005**

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 7 p.m.** to consider the Proposed Consolidated Plan One Year Action Plan for FY 2005.

ADMIN 14 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING STORMWATER MANAGEMENT FACILITY SUBMISSION REQUIREMENTS

- (A) (R) Adopted the Resolution authorizing the advertisement of public hearings to be held before the Planning Commission on February 19, 2004, and before the Board on **March 29, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), regarding stormwater management facility submission requirements.

ADMIN 15 – RECOMMENDATION OF STREETS TO BE CONSIDERED FOR TRAFFIC-CALMING MEASURES AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (BRADDOCK, SPRINGFIELD, AND SULLY DISTRICTS)

- Endorsed the following streets to be considered for traffic-calming measures as part of the R-TAP:
 - Holburn Avenue (Braddock District)
 - Rock Brook Drive (Springfield District)
 - Battle Rock Drive (Springfield District)
 - Rock Crystal Drive (Springfield District)
 - Carlbern Drive (Sully District)
 - Spring Lake Drive (Springfield District)
 - Ridge Ford Drive (Springfield District)
 - Tuttle Road (Springfield District)
- Directed staff to request the Virginia Department of Transportation to develop traffic-calming plans in conjunction with each community, as soon as possible.

ADMIN 16 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON PENNY OAK ROAD AND EAGLE CHASE ROAD (SULLY DISTRICT)

- (R) Adopted the Resolution endorsing the installation of “Watch for Children” signs as part of the Fairfax County Department of Transportation’s Residential-Traffic

Administration Program at Penny Oak Road and Eagle Chase Road (Sully District).

ADMIN 17 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX A (FLOOD PLAINS), REGARDING ADOPTED FLOODPLAINS

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix A (Flood Plains), regarding adopted floodplains.

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 101 (SUBDIVISION ORDINANCE), REGARDING VALIDATION OF CERTAIN LOTS RECORDED BY METES AND BOUNDS OR AN UNAPPROVED PLAT

- (A) Authorized the advertisement of a public hearing to be held before the Board on **March 8, 2004, at 3:30 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 101 (Subdivision Ordinance), regarding validation of certain lots recorded by metes and bounds or an unapproved plat.

ADMIN 19 – SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 04064 FOR THE DEPARTMENT OF FAMILY SERVICES/OFFICE FOR CHILDREN TO ACCEPT FUNDS FROM THE FREDDIE MAC FOUNDATION FOR THE ORGANIZATION PLANNING AND DEVELOPMENT OF FAIRFAX FUTURES – THE FUNDS FOR EARLY LEARNING AND SCHOOL READINESS

- (SAR) Approved SAR AS 04064 in the amount of \$60,000 from the Freddie Mac Foundation for the organizational planning and development of Fairfax Futures – The Fund for Early Learning and School Readiness. No local cash match is required.

ADMIN 20 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 13 (AUXILIARY POLICE FORCE)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 13 (Auxiliary Police Force), to eliminate age and residency requirements for auxiliary police offices and allow certain permanent aliens to apply for auxiliary officer positions.

14. **A-1 – ENDORSEMENT OF THE LOCATION STUDY AND ENVIRONMENTAL ASSESSMENT FOR THE WIDENING OF RICHMOND HIGHWAY (ROUTE 1) FROM THE OCCOQUAN RIVER TO ARMISTEAD ROAD (ROUTE 748), STUDY SEGMENT B (MOUNT VERNON DISTRICT)** (10:43 a.m.)

Supervisor Hyland moved that the Board concur in the recommendation of staff and endorse the location Study and Environmental Assessment for the improvements to Richmond Highway from the Occoquan River to Armistead Road, Study Segment B, as presented at the public hearing held March 12, 2003, subject to the conditions outlined in the Board Agenda Item dated January 26, 2004. Supervisor Gross and Supervisor McConnell jointly seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

15. **A-2 – ENDORSEMENT OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT TO COMPLETE THE MISSING SEGMENT OF THE FAIRFAX COUNTY PARKWAY (ROUTE 7100) FROM ROLLING ROAD (ROUTE 638) TO FULLERTON ROAD (ROUTE 4600) (SPRINGFIELD, LEE, AND MOUNT VERNON DISTRICTS)** (10:44 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and endorse the design plans to complete the Fairfax County Parkway (Route 7100) from Rolling Road to Fullerton Road (Route 4600) as presented at the October 8, 2003, and December 3, 2003, public hearings with the following modifications:

- Request that VDOT further investigate design options at the Fairfax County Parkway/Franconia-Springfield Parkway/Rolling Road interchange to include relocated Hooes Road and relocated Rolling Road to lessen the impacts to the adjacent communities.
- Request that VDOT provide all necessary funds to allow construction bid advertisement to take place on schedule in December 2006 or earlier.

Supervisor Hyland seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

16. **A-3 – ENDORSEMENT OF VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT TO WIDEN THE FAIRFAX COUNTY PARKWAY TO SIX LANES FROM RUGBY ROAD (ROUTE 750) TO SOUTH OF I-66 AND PROVIDE A GRADE-SEPARATED INTERCHANGE AT FAIR LAKES PARKWAY (ROUTE 7700) AND MONUMENT DRIVE (ROUTE 7969) (SPRINGFIELD DISTRICT)** (10:45 a.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and endorse VDOT's design plans, as presented at the October 28, 2003, public hearing, to widen the Fairfax County Parkway (Route 7100) to six lanes from Rugby Road (Route 750) to just south of I-66 and provide a grade-separated interchange at Fair Lakes Parkway (Route 7700) and Monument Drive (Route 7969), including roadway, bridge, lighting, transportation management system, stormwater management, trail/sidewalk, and drainage improvements, and accommodate a future high occupancy vehicle lane. Chairman Connolly seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote.

17. **A-4 – FAIRFAX COUNTY'S ENDORSEMENT OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY'S (WMATA) METRO MATTERS CAMPAIGN** (10:46 a.m.)

- (R) Supervisor Kauffman moved that the Board concur in the recommendation of staff and adopt the Resolution endorsing the WMATA Metro Matters campaign to acknowledge the urgent \$1.5 billion need over the next six years for system rehabilitation, rail cars, and buses for the National Capital Region. Supervisor Hudgins and Supervisor Hyland jointly seconded the motion.

Following discussion, the question was called on the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

18. **A-5 – PHASE I DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT – SETTING THE DATE FOR PUBLIC HEARING AND AUTHORIZING PUBLIC NOTICE OF HEARING (DRANESVILLE, HUNTER MILL, AND PROVIDENCE DISTRICTS)** (10:46 a.m.)

- (A) Supervisor DuBois moved that the Board concur in the recommendation of staff and authorize the advertisement of a public hearing to be held before the Board on **February 23, 2004, at 6 p.m.** regarding the creation of the Phase I Dulles Rail Transportation Improvement District. Supervisor Hudgins and Supervisor Smyth jointly seconded the motion.

Following discussion, with input from James V. McGettrick, Assistant County Attorney, Supervisor DuBois clarified that her motion was to authorize the advertisement on the petition, as amended.

Following discussion, with input from Mr. McGettrick and Young Ho Chang, Director, Department of Transportation, Supervisor Frey asked unanimous consent that the Board direct staff to provide more detailed information about the financing of Phase I, as well as Phase II, and how they will relate. Without objection, it was so ordered.

Following discussion, with input from Anthony H. Griffin, County Executive, Supervisor Hudgins asked unanimous consent that the Board direct staff to provide information regarding how the Van Dorn station worked and what things were in place to make sure that it worked efficiently. Without objection, it was so ordered.

Following additional discussion, the question was called on the motion and it carried by unanimous vote.

19. **I-1 – CONTRACT AWARD – ANNUAL CONTRACT FOR ASBESTOS/HAZARDOUS MATERIALS SURVEYS** (11:02 a.m.)

The Board next considered an item contained in the Board Agenda dated January 26, 2004, requesting authorization for staff to award a contract to Versar, Incorporated, in the amount of \$250,000 for consultant services to provide asbestos/hazardous materials surveys for various buildings throughout the County including buildings at the Laurel Hill site.

The staff was directed administratively to proceed as proposed.

ADDITIONAL BOARD MATTERS

NV:nv

20. **SLEEPING BAGS, BLANKETS, AND COATS** (11:02 a.m.)

In light of the current cold weather and concern for homeless persons, Chairman Connolly announced that groups working with homeless persons are in need of sleeping bags and extra blankets. The non-profit group FACETS is collecting those items, and Chairman Connolly said that he would provide its telephone number later in the meeting.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to publicize information about donation collections by non-profit groups. Without objection, it was so ordered.

Supervisor Hudgins announced that the Hunter Mill District Office, in cooperation with the Reston Interfaith, has been collecting coats. She expressed her appreciation to the community members for their coat donations, which are available in the community room of the Hunter Mill District Office. She asked unanimous consent that the Board direct staff to publicize the availability of these coats. Without objection, it was so ordered.

(NOTE: Later in the meeting, Chairman Connolly provided additional information. See Clerk's Summary Item CL#55.)

21. **SHOWMOBILE FEE WAIVER FOR FAIRFAX COUNTY YOUTH FOOTBALL LEAGUE** (11:04 a.m.)

Chairman Connolly announced that the Fairfax County Youth Football League was chosen to host the Washington Metropolitan Area Youth Super Bowl Championships for the third year in a row. The County's Showmobile is used for the awards ceremony to recognize participating athletes and cheerleaders.

Accordingly, Chairman Connolly moved that the Board waive all fees associated with the Youth Football League's use of the Showmobile as part of the Washington Metropolitan Area Youth Super Bowl Championships. Supervisor McConnell seconded the motion and it carried by unanimous vote.

22. **ENGINEERING A BETTER FAIRFAX** (11:04 a.m.)

Chairman Connolly reminded the Board that for 53 years engineers across the nation have been recognized during the month of February for their work in improving communities. The County employs more than 200 engineers who work diligently to enhance the quality of life for the citizens. Accordingly, he asked unanimous consent that the Board:

- Proclaim February 22-28, 2004, as "*National Engineers Week*" in Fairfax County.
- Direct staff to invite the appropriate staff representatives to be recognized with the proclamation at the February 23, 2004, Board meeting.

Without objection, it was so ordered.

23. **KOREAN SENIOR CENTER FUNDING** (11:05 a.m.)

Chairman Connolly said that the Korean Senior Center provides services and activities to nearly 400 seniors throughout the region. This group represents nearly a quarter of the total Korean population of citizens over the age of 65. Under the current funding the Center is able to open twice a week, once for a full

day with lunch and the other just half a day without lunch. The County has been instrumental in providing funding and services to the Senior Center that are essential to its livelihood.

Chairman Connolly moved that the Board direct staff to place \$25,000 to help the Korean Senior Center provide services for an additional day each week on the Consideration List for the Fiscal Year 2005 Budget. Supervisor McConnell seconded the motion and it carried by unanimous vote.

24. **LAUREL HILL TASK FORCE SEEKS PUBLIC INPUT** (11:06 a.m.)

(BACs) Chairman Connolly said that the Laurel Hill Adaptive Reuse Citizens Task Force is seeking input from the public on concepts it is considering recommending to the Board regarding the adaptive reuse of 85 acres of the 2,300 acre former prison site at Lorton. The 85 acres contain the Central/Maximum Security Facility. Most of the buildings at the site are designated as historically significant.

Chairman Connolly said that the Task Force is planning to present its preliminary recommendations about future uses at the site during three citizen comment meetings in late February and early March. At the meetings, the public will be invited to comment on the draft concept. The public input meetings will be:

- February 21 (Saturday) 9 a.m. - noon - Lorton Station Elementary School cafeteria, 9298 Lewis Chapel Road, Lorton, VA 22079
- February 28 (Saturday) 9 a.m. - noon - Silverbrook Elementary School cafeteria, 9350 Crosspointe Drive, Fairfax Station, VA 22039
- March 4 (Thursday) 7 p.m. - 9 p.m. - Fairfax County Government Center Conference Rooms 9 and 10, 12000 Government Center Parkway, Fairfax, VA 22035

Jointly with Supervisor Hyland, Chairman Connolly asked unanimous consent that the Board direct the Office of Public Affairs to publicize the upcoming public meetings and distribute the information to civic associations and other groups in the County to ensure full public participation in this important project. Without objection, it was so ordered.

Discussion continued briefly.

25. **STATE OF THE CROSS-COUNTY TRAIL, 2003** (11:08 a.m.)

Chairman Connolly noted that in 1999, the Board endorsed the creation of the Cross-County Trail, a multi-use trail linking the Occoquan and the Potomac Rivers, largely through the linking of existing trails and easements. Since that time, staff and citizen volunteers, working together, have completed several

projects to further develop the trail into a resource that all County residents can enjoy.

Chairman Connolly said that the Park Authority recently released its "State of the Trail" report for 2003 and highlighted several developments which have taken place to advance completion of the trail. He referred to his written Board Matter and outlined the highlights.

Chairman Connolly said the Park Authority was scheduled to host the third annual Cross County Trail Caucus this evening at 7:30 p.m. at Woodson High School to provide citizens with information on the Trail's progress. Because of today's inclement weather, and the cancellation of tonight's meeting, he asked unanimous request that the Board direct staff to publicize any new date for this caucus.

Following a brief discussion, without objection, the request was so ordered.

26. **INITIATIVE TO COORDINATE EXISTING COUNTY, SCHOOL, AND COMMUNITY-BASED SERVICES IN COMPREHENSIVE ANTI-GANG EFFORT** (11:10 a.m.)

Chairman Connolly said that the presence and proliferation of gangs in the County is a well-documented threat to the quality of life in the County and to the successful adjustment of children and young people. Efforts to address this problem exist throughout the County government, including but not limited to, the work of the Police Department's Gang Unit; the activities developed by Community and Recreation Services; the community-building work of the Strengthening Neighborhoods Building Communities initiative and of the Department of Systems Management for Human Services; the Skin Deep program of the Health Department; and the parents group at the Juvenile and Domestic Relations Court. He also noted the efforts of the Schools and many other County agencies.

Chairman Connolly moved that the Board direct the County Executive to:

- Develop and present a proposal to the Board for a cross-agency effort to coordinate activities regarding gangs, and to involve the School Division and community-based organizations, including the Fairfax County Partnership for Youth.
- Report with a proposed design for this initiative as soon as possible.

Vice-Chairman Bulova seconded the motion, and she reminded the Board that the Braddock District will be conducting a community dialog with several sessions, including one regarding gangs.

Following discussion, Supervisor Hudgins noted that the Board received a document last year from the Partnership for Youth on its analysis on gangs, and asked unanimous consent that the Board's Human Services Committee be the appropriate venue for this issue and related issues. Without objection, it was so ordered.

Following discussion, Supervisor Gross asked to amend the motion to specifically include the community coalitions that are connected to the high schools and their feeder schools, and this was accepted.

Supervisor Kauffman asked to amend the motion to include representatives from regional shopping malls or centers, and this was accepted.

The question was called on the motion, as amended, which carried by unanimous vote.

27. **HOME SWEET HOME** (11:15 a.m.)

Chairman Connolly said that the Department of Housing and Community Development (HCD) started the First-Time Homebuyers Program in 1993 to enable citizens who otherwise could not afford to purchase a home, the chance to do so. Recently, the program helped its 1001st family to purchase a home. To help the next thousand citizens find "home sweet home," HCD created new literature about this valuable service to help spread the word.

Therefore, Chairman Connolly moved that the Board direct the Office of Public Affairs to publicize the First-Time Homebuyers Program and the availability of this new brochure as well as issue a media release announcing the contract of the 1001st home under this local program. Supervisor Smyth seconded the motion.

Supervisor Smyth asked to amend the motion to direct staff to examine other creative ways to finance affordable housing, such as programs equivalent to the First-Time Homebuyers Programs, to achieve flexibility.

Following a brief discussion, the amendment to the motion was accepted.

Following further discussion, Supervisor Hudgins suggested convening a meeting of the Board's Housing Committee to convey the Board's Policy to the Redevelopment and Housing Authority.

The question was called on the motion, as amended, and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

28. **TRANSPORTATION AND TRANSIT ISSUES** (11:19 a.m.)

Supervisor Kauffman noted that all of the Board's Action Items on the agenda today involved transportation or transit issues. He expressed appreciation to the Chairman, who sets the agenda, for his commitment "to keeping Fairfax County moving."

29. **RENOVATION OF WOODSON HIGH SCHOOL** (11:19 a.m.)

Supervisor Bulova reminded the Board that on April, 30, 2001, while adopting the Capital Improvement Plan (CIP) for fiscal years (FY) 2002-2006, the Board moved to increase the School Bond allocation by \$30 million in FY 2002 to a total of \$130 million. This action was to allow for the acceleration of a number of school construction schedules. The Board then unanimously adopted an amendment to the main motion stating, "The funding for Woodson High School should equal the timetable for South Lakes High School (\$400,000 in FY 2003 and \$642,000 in FY 2004). This amendment will not affect the queue of the projects."

Supervisor Bulova said that in April 2002, during consideration of the County's CIP for FY 2003 through FY 2007, the Board again singled out Woodson High School (along with Glasgow Middle School) for emphasis. The Board increased the School Bond sales from \$130 million to \$136.4 million. In so doing, the Board said, "It is the Board's intention that this action will result in the acceleration of planning funds for Woodson High School and Glasgow Middle School renewal of FY 2003 and will not interfere with the existing placement of projects waiting to be funded . . ."

Supervisor Bulova said that with regard to the increase in School Bond sales in FY 2003 and the acceleration of planning funds for Woodson and Glasgow renewal to FY 2003, former Providence District Supervisor Connolly asked unanimous consent that the Board "direct staff to reflect in the record that Jane K. Strauss, School Board Budget Chair, indicated in a 'head nod' that the Board has an understanding with the School Board that it will honor the request to use the extra funds to accelerate the renovations at Woodson High School and Glasgow Middle School." There was no objection, and it was so ordered.

Supervisor Bulova stated that she was concerned because she had been contacted by angry parents who say that the School Division, in its advertised CIP, indicates that the completion date for South Lakes High School is moved up from 2009 to 2008, but Woodson has been left with a completion date of 2010. She said that this appears to be in direct contradiction to the Board of Supervisors' previous directions that the renewal schedule for Woodson High School should be equal to that of South Lakes High School.

Supervisor Bulova said that those same angry parents also asked where the bulk of the \$6.4 million School Bond sales for FY 2003 was spent. Her understanding

was that \$1 million was spent on Woodson and \$1 million for Glasgow, but she wanted an explanation for the allocation of the remaining \$4.4 million.

Accordingly, Supervisor Bulova moved that the Board direct staff to:

- Request information from the School Division about the reasons for the inequity in the timetables for Glasgow and Woodson as shown in the advertised FY 2005-2009 School CIP, as well as an accounting of the \$6.4 million.
- Reiterate to the School Board the Board of Supervisors' previous directions regarding the renewal of Woodson High School, as she had outlined.

Supervisor Gross seconded the motion.

Supervisor Gross asked to amend the motion to include in the second bullet the addition of "and the renovation of Glasgow Middle School" following Woodson High School, and this was accepted.

Following discussion, Supervisor Smyth asked unanimous consent that the Board direct staff to report regarding the role of development criteria with regard to funding capital facilities for these schools and how the School Board is utilizing these funds.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide a report of development criteria funding for all of the County development that has taken place.

Chairman Connolly restated the requests as an accounting for cash proffers that flowed to the School Division and how that money is proposed to be used. Without objection, it was so ordered.

Following discussion, Supervisor Bulova clarified that implicit in her motion was the assumption that this would be forwarded to the School Board in a letter signed by Chairman Connolly.

The question was called on the motion, as amended and clarified, and it **CARRIED** by a recorded vote of nine, Supervisor Hudgins abstaining.

Supervisor Gross clarified that implicit in the request was that the response would be received prior to action on the budget.

30. **UNIWEST-MERRIFIELD TOWN CENTER CONCURRENT REVIEW OF SITE PLAN REZONING/FINAL DEVELOPMENT PLAN APPLICATION RZ/FDP 2003-PR-009 (PROVIDENCE DISTRICT)** (11:31 a.m.)

Supervisor Smyth noted that public hearings are currently scheduled to be held before the Board for a rezoning and final development plan application for the first phase of the Merrifield Town Center, Rezoning/Final Development Plan Application RZ/FDP 2003-PR-009. The public hearings had been scheduled for today, but will be deferred. The issue is affordable housing. The applicant, Uniwest Group LLC, has requested concurrent processing, but understands that it runs the risk of potentially having to redesign and resubmit a new site plan if substantial design changes occur during the process.

Accordingly, Supervisor Smyth moved that the Board approve concurrent processing of the site plan for the pending Rezoning/Final Development Plan Application RZ/FDP 2003-PR-009. This motion does not prejudice in any way the consideration of this pending rezoning application. Supervisor Kauffman seconded the motion, which carried by a vote of nine, Supervisor Frey being out of the room.

31. **WHITE PEARL INVESTMENT COMPANY (PROVIDENCE DISTRICT)** (11:34 a.m.)

- (A) Supervisor Smyth stated that her next Board Matter concerned the matter of an applicant desiring to add an antenna to its rooftop only to learn that the building with its penthouse on top occupies more than the requisite 25 percent and now the building is considered too tall.

Supervisor Smyth stated that White Pearl Investment Company is the applicant for Special Exception Application SE 2003-PR-032. This applicant is correcting an issue which was discovered in the context of a pending 2232 public facilities application, and is bringing the building into compliance by means of this special exception. The applicant has requested a date for a public hearing to be held before the Board.

Accordingly, Supervisor Smyth moved that the Board direct the Department of Planning and Zoning to schedule a public hearing to be held before the Board for Special Exception Application SE 2003-PR-032 for February 23, 2004. This motion does not prejudice in any way the consideration of this application. Supervisor Bulova seconded the motion.

Following input from Catherine A. Chianese, Assistant to the County Executive, the public hearing time would be scheduled for 4 p.m. on that date.

The question was called on the motion, which carried by a vote of seven, Supervisor Frey, Supervisor Kauffman, and Supervisor Hyland being out of the room.

32. **WAIVER OF MINIMUM SIZE REQUIREMENT FOR CONSIDERATION OF THE ESTABLISHMENT OF THE AMBERWOOD COMMUNITY PARKING DISTRICT (CPD) (HUNTER MILL DISTRICT)** (11:35 a.m.)

Supervisor Hudgins stated that she received a request from the Amberwood Homeowners Association to establish a CPD along Wall Street. The request was rejected by the Department of Transportation because it did not meet the size requirement under Section 82-5B-3(a)(5) of the Code of the County of Fairfax, which requires a minimum of five blocks on both sides of the street or a minimum of 5000 linear feet to establish a CPD. The size proposed for the CPD along Wall Street is 775 linear feet.

Supervisor Hudgins stated that Wall Street is a public street in the County and the main entrance into the Amberwood community. The streets that stem from Wall Street are private. However, the establishment of a CPD along Wall Street would not relocate the parking problem from Wall Street to adjacent streets because those streets are private.

Accordingly, Supervisor Hudgins moved that the Board waive the minimum size requirement for the establishment of the Amberwood CPD along Wall Street. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

33. **SHOWMOBILE FEE WAIVER FOR AMERICAN CANCER SOCIETY (HUNTER MILL DISTRICT)** (11:36 a.m.)

Supervisor Hudgins announced that the annual American Cancer Society's Relay for Life will be held Saturday, May 15 and Sunday, May, 16, 2004 at South Lakes High School. The American Cancer Society requested a waiver of the fee for use of the Showmobile for this worthy event.

Accordingly, Supervisor Hudgins moved that the Board waive the fee for the use of the Showmobile by the American Cancer Society on May 15-16, 2004. Chairman Connolly seconded the motion, which carried by a vote of eight, Supervisor Frey and Supervisor Hyland being out of the room.

34. **EMERALD ASH BORER THREATENS LOCAL ASH TREES (DRANESVILLE DISTRICT)** (11:37 a.m.)

Supervisor DuBois reported that it had come to her attention that a new exotic insect from Asia, the emerald ash borer, was discovered feeding upon ash trees planted at the new Colvin Run Elementary School in the Vienna area of the Dranesville District. The trees were purchased by the School Division from a Maryland nursery that acquired the stock from a supplier in Michigan. Immediate action was taken to remove and incinerate all of those trees.

Supervisor DuBois stated that because the bark of these trees revealed signs that this beetle may have successfully exited the original trees, the Commissioner of the Virginia Department of Agriculture and Consumer Services has now added the emerald ash borer to the list of insects that can be controlled by service districts. Further, the Federal Department of Agriculture's Animal and Plant Health Inspection Service has now determined that all ash trees within one-half mile of the site must be similarly removed. The Department of Public Works and Environmental Services' Office of Forest Pest Management completed a field survey of the ash trees in that zone and determined that there are 197 affected trees, and they are located at Wolf Trap Farm Park, on property owned by the Shouse Village community, and on private land.

Supervisor DuBois said that Forest Pest Management staff have been working with the Office of Public Affairs on methods of communicating necessary information to the affected property owners. Letters will be sent to the owners of record on February 1, 2004, and a meeting for those affected property owners will be held at Colvin Run Elementary School on February 17. A number of questions still remain unresolved, including how trees will be valued for reimbursement, whether there is a plan for stumps remaining in the stream valley, how landscapes will be restored, and how local costs associated with this effort will be reimbursed.

Accordingly, Supervisor DuBois asked unanimous consent that the Board direct the:

- Appropriate agencies to continue to coordinate any agreements with State and Federal agencies relative to the eradication of the emerald ash borer.
- Office of Public Affairs to develop a public information campaign to advise the community further about this pest and details of suppression activities.
- Staff to update the Board, and particularly her office, as needed, on the various activities associated with this effort.

Without objection, it was so ordered.

Discussion ensued, with input from Troy Shaw, Coordinator, Forest Pest Program, Department of Public Works and Environmental Services, and Anthony H. Griffin, County Executive.

Supervisor Hyland asked unanimous consent that the Board direct staff to determine whether there are any prevention methods to protect trees from this insect in other areas not yet affected. Without objection, it was so ordered.

Following further discussion, with input from Mr. Shaw, Chairman Connolly suggested that updates on this subject be added as a regular feature of the Board's Environmental Committee meetings.

PMH:pmh

35. **CONCURRENT PROCESSING OF THE REZONING APPLICATION AND SUBDIVISION PLAN FOR SILVERBROOK FARMS PHASE IV (SPRINGFIELD DISTRICT)** (11:45 a.m.)

Supervisor McConnell said that Silverbrook Farms, Phase IV is located in the Springfield District on Tax Map 97-4((2))7. Parcel 7 was the only lot not rezoned in conjunction with the Silverbrook Farms Phase I (Rezoning Application RZ 2001-SP-007) and Silverbrook Farms Phases 2 and 3 (Rezoning Application RZ 2001-SP-009) rezonings in 2001. The current owner is interested in rezoning this property to mirror the surrounding Silverbrook Farms I, II, and III applications for the R-3 and R-3 cluster which were approved by the Board.

Supervisor McConnell said that this application specifically calls for the rezoning of the property from the R-1 District to the R-3 District for the construction of two new homes and is designed to mirror the adjacent Silverbrook Farms subdivision in terms of density, style, building materials, public improvements, and proffers. This rezoning application results in a density of .95 dwelling units per acres (du/ac) which is below the Plan recommendations for this property of 2 to 3 du/ac. Emma Ann Way will be extended into the subject property to provide public street access to each of the new homes. The applicant plans to commit a similar proffer package as was offered with the previous Silverbrook Farms rezonings.

Supervisor McConnell noted that the applicant is currently scheduled to go before the Planning Commission on January 28, 2004. Due to the fact that this project mirrors the surrounding Silverbrook Farms subdivision, the applicant is interested in pursuing concurrent processing of the rezoning application and subdivision plan.

Therefore, Supervisor McConnell moved that the Board approve this request to allow the applicant of this project to pursue concurrent processing of the rezoning application and subdivision plan for Silverbrook Farms, Phase IV. Supervisor Hyland seconded the motion and it carried by unanimous vote.

36. **WAIVER OF THE FEES FOR USE OF THE SHOWMOBILE (MASON DISTRICT)** (11:47 a.m.)

Supervisor Gross said that the George Mason Regional Library, the Annandale Rotary Club, and the Annandale Chamber of Commerce are sponsoring a Multicultural Festival on Saturday, May 22, 2004. The sponsoring groups have

reserved the County showmobile for that date.

In view of the community nature of this event, and the non-profit status of the sponsors, Supervisor Gross moved that the showmobile fee (\$300) be waived for this event. Supervisor Bulova seconded the motion and it carried by unanimous vote.

37. **RECOGNITION IN HONOR OF THE THOMAS JEFFERSON LIBRARY'S FIFTIETH ANNIVERSARY (MASON DISTRICT)**
(11:48 a.m.)

Supervisor Gross announced the fiftieth Anniversary of the Thomas Jefferson Library. The Library will invite the community to help celebrate its anniversary on Saturday, April 24, 2004.

Supervisor Gross noted that Thomas Jefferson was the County's first branch library. It opened on January 4, 1954, in the back room of the Buck Family Barber Shop at Graham Road and Arlington Boulevard. After a few months it moved to a two-bedroom apartment in the Jefferson Village Apartments, where even a bathtub was used to store books. The branch has come a long way over the last half century. In fiscal year 2003, the branch reported more than 150,000 visits and made almost 272,000 loans of books and other items. The community enjoys the branch's events and services such as one-on-one internet tutoring, story times for preschoolers, conversation groups for people learning the English, book discussion groups for adults, and volunteer opportunities.

Supervisor Gross asked unanimous consent that the Board direct staff to prepare an appropriate certificate for presentation at the March 15, 2004, Board meeting to the Thomas Jefferson Library staff. Without objection, it was so ordered.

38. **AUTHORIZATION FOR AN OUT-OF-TURN PLAN AMENDMENT - CAMBRIDGE COMMONS APARTMENTS (MASON DISTRICT)**
(11:49 a.m.)

Supervisor Gross said that the Cambridge Commons apartment community is located on Willston Drive and identified as Tax Map 51-3-((18)) in the Seven Corners area. She noted that the Cambridge Commons provides an important source of affordable rental housing and over the past several years, the owner of the property, along with her office, has worked to facilitate a number of upgrades and improvements there. Unfortunately, they have also learned that the size and configuration of many of the units are simply not well suited to the increasing numbers of families needing affordable housing. To address this problem, the owner has proposed an innovative approach to enlarge certain units without increasing the overall density.

Regrettably, the ability to improve and/or enlarge the existing units is precluded by the property being classified as a non-conforming use under the current zoning

regulations. The problem is compounded as the existing Comprehensive Plan language does not provide any means to correct the non-conformity through a rezoning action.

Based on these circumstances, Supervisor Gross moved that the Board authorize an Out-of-Turn Plan amendment for the limited purpose of allowing the non-conforming status to be eliminated so as to permit the renovation of the existing units at the current density. Supervisor Bulova seconded the motion and it carried by unanimous vote.

39. **EXPEDITED PROCESSING - SHIRLEY HIGHWAY DISTRIBUTION PARTNERSHIP (MARLO FURNITURE) (MASON DISTRICT)**
(11:51 a.m.)

Supervisor Gross said that Shirley Highway Distribution Partnership (Marlo Furniture) filed concurrent Special Exception Amendment Applications SEA 93-M-049-2 and SEA 00-M-48 and Proffered Condition Amendment Application PCA 2000-MA-031 requesting to add some additional parking spaces, a loading area, and a new travel lane to their property at 5650 General Washington Drive. The applicant has been working with staff and the Mason District Land Use Committee.

To facilitate the process, Supervisor Gross moved that the Board direct staff to conduct expedited processing for these concurrent applications and schedule the public hearing to be held before the Board on or prior to, March 15, 2004. This motion should not be construed as a favorable recommendation on the application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

40. **EXPEDITED PROCESSING - JEFFERSON AT EDSALL ROAD LP (MASON DISTRICT)** (11:52 a.m.)

Supervisor Gross said that Rezoning/Final Development Plan Application RZ/FDP 2003-MA-030 filed by Jefferson at Edsall, LP proposes to rezone a currently vacant and dilapidated commercial property for residential use. This application follows a Comprehensive Plan amendment which was approved in the last Area Plans Review cycle. In working diligently with staff and the Mason District Land Use Committee, the applicant has deferred its Planning Commission date from January 28 to February 18 to resolve a few outstanding issues with staff, but wishes to keep the March Board date.

Therefore, Supervisor Gross moved that the Board direct staff to conduct expedited processing for Rezoning/Final Development Plan Application RZ/FDP 2003-MA-030 and schedule the public hearing for a date of, or prior to, March 8, 2004. This motion should not be construed as a favorable recommendation on the

application by the Board, and does not relieve the applicant of compliance with the provisions of any applicable ordinances, regulations, or adopted standards. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

41. **TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION PLAN FOR THE FOUR MILE RUN WATERSHED (MASON DISTRICT)** (11:53 a.m.)

Supervisor Gross referred to her written Board Matter regarding the Four Mile Run Watershed and announced that the issue would be raised at the next Environmental Committee meeting scheduled for Friday, January 30, 2004, at 2:30 p.m.

A brief discussion ensued with input from Carl Bouchard, Director, Stormwater Planning Division, Department of Public Works and Environmental Services.

42. **PROCLAMATION (MOUNT VERNON DISTRICT)** (11:56 a.m.)

Supervisor Hyland asked unanimous consent that the Board approve a proclamation for an individual as contained in his written Board Matters. Without objection, it was so ordered.

43. **CERTIFICATE OF APPRECIATION FOR "ACCESS" EMPLOYEE (MOUNT VERNON DISTRICT)** (11:56 a.m.)

Supervisor Hyland said that he received a letter from Major General Daniel Raymond enthusiastically commending the assistance he received recently from a County "Access" employee, Ms. Zindi Tevis at the South County Center.

Supervisor Hyland referred to his written Board Matter and outlined the service that Ms. Tevis provided and asked unanimous that an enthusiastic commendation from the Board be sent to Ms. Tevis with a copy attached to her personnel record. Without objection, it was so ordered.

44. **RECOGNITION FOR POLICE AND FIRE AND RESCUE DEPARTMENT OFFICERS (MOUNT VERNON DISTRICT)** (11:57 a.m.)

Supervisor Hyland said that he received a letter from Dr. Connell Trimber who practices in the City of Alexandria, but resides in the Mount Vernon District, complimenting Officers Plaska and Lyles of the Fairfax County Police Department for their prompt and thoughtful actions taken on behalf of an incapacitated woman on December 7, 2003.

Supervisor Hyland referred to his written Board Matter regarding the actions of the officers and asked unanimous consent that certificates of recognition from the Board be prepared and distributed to Officers Plaska and Lyles and the Fire and Rescue Department personnel involved in this situation and that copies of the

certificates be placed in each employee's personnel record. Without objection, it was so ordered.

45. **JOINT BOARD MATTER REGARDING THE PROPOSED TAXING OF VIRGINIA CREDIT UNIONS** (11:57 a.m.)

Supervisor Hyland referred to his written Board Matter regarding credit unions and the pending legislation.

Accordingly, Supervisor Gross and Supervisor Hyland jointly moved that the Board take a position opposing the proposal being circulated to impose taxes on income and assets of Virginia credit unions and that this position be communicated to the Northern Virginia State Delegation. Supervisor Gross seconded the motion.

Supervisor Gross disclosed that she has been an officer for a credit union for the past 19 years.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

46. **CERTIFICATE OF ACHIEVEMENT RECOMMENDED BY CONSTITUENT (MOUNT VERNON DISTRICT)** (12:02 p.m.)

Supervisor Hyland said that he received a copy of a letter from Mr. Fettig last week and in it he dramatically commends Ms. Donna Auman who works at Fairfax County's I-95 Citizen Disposal Facility. In the letter, Mr. Fettig mentions the excellent service provided by the staff and particularly singles out Ms. Auman for his appreciation.

Supervisor Hyland asked unanimous consent that the Board direct staff to send a congratulatory letter from the Board commending her citizen-friendly practices and that it be placed in Ms. Auman's personnel file. Without objection, it was so ordered.

47. **EXPANSION OF THE OUT-OF-TURN PLAN AMENDMENT S03-IV-MV4 REQUESTED (MOUNT VERNON DISTRICT)** (12:04 p.m.)

Supervisor Hyland said that the Board authorized an Out-of-Turn Plan amendment last September concerning land in the Memorial Heights area which is generally located on the east side of Richmond Highway between Popkins Lane and East Lee Avenue to consider greater intensity for the office and retail use currently planned for that area. The property owner is now considering a mixed use project that includes residential use.

Therefore, Supervisor Hyland moved that the Board authorize an expansion of the Out-of-Turn Plan Amendment S03-IV-MV4 to consider residential/mixed use at

an intensity up to .80 floor area ratio for the property as shown on the map contained in his Board Matter, provided that compatible development may be achieved, including appropriate transition, screening, buffering, and minimal off-site impacts for adjacent development. Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

48. **MOUNT VERNON DISTRICT'S SEVENTEENTH ANNUAL TOWN MEETING ON JANUARY 31, 2004** (12:04 p.m.)

Supervisor Hyland announced the Mount Vernon District's Seventeenth Annual Town meeting. The event will be held on Saturday, January 31, 2004, at 7:45 a.m. until 1 p.m. at Mount Vernon High School's Little Theatre, 8515 Old Mount Vernon Road, followed by *A Taste of Mount Vernon*.

49. **LWL, LLC (SULLY DISTRICT)** (12:05 p.m.)

- (A) Supervisor Frey said that LWL, LLC filed a rezoning request for a part of Parcel 21A within Westfields, also known as 44-3-((6))21A. The applicant has taken a deferral of the Planning Commission hearing to work out some of the issues identified by staff. For contractual reasons, the applicant has asked that the Board authorize a date certain for the Board public hearing.

Therefore, Supervisor Frey moved that the Board authorize a date certain for the Board public hearing to occur on **February 23, 2004, at 5 p.m.** The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

50. **VERIZON WIRELESS (SULLY DISTRICT)** (12:07 p.m.)

Supervisor Frey said that Verizon Wireless is pursuing public facilities (2232) application approval to expand its switching station located at 3675 Centreview Drive in Chantilly. Because of the high demand for wireless service, they are anxious to obtain all necessary approvals as expeditiously as possible, and have asked that the Board authorize concurrent processing for the minor site plan and the 2232 determination that will be required.

Therefore, Supervisor Frey moved that the Board authorize concurrent processing of the site plan and the public facilities (2232) application for the expansion of the Verizon switching station located on Tax Map Parcels 34-2-((6)) 1, 2, and 3. The applicants understand that this motion does not relieve them of any obligation, ordinance, or standards, and will not prejudice the consideration of the application in any way. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

51. **DEVELOPER SECURITY** (12:08 p.m.)

Supervisor Frey said that the Virginia Code permits the County to require a developer to provide security in the form of a certified check, cash escrow, bond, or letter of credit that does not exceed the total amount of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities which shall not exceed 25 percent of the estimated construction costs.

Supervisor Frey stated that in most cases, in calculating the amount of security a developer must provide the County in connection with a development project, the County adds to the estimated construction costs 19 percent of those costs for estimated administrative costs, inflation, and potential damage to existing roads and utilities.

Supervisor Frey noted that it has become increasingly apparent that the amount of security the County receives from a developer to ensure that the County will be protected in the event the developer defaults on his or her obligations to the County in connection with the construction of a development project is often insufficient to protect the County. In such cases, the County often uses money out of the General Fund to complete the project.

Therefore, Supervisor Frey moved that the Board direct staff to evaluate the feasibility of adding, as the security a developer must provide to the County in connection with a development project, 25 percent of the estimated construction costs for estimated administrative costs, inflation, and potential damage to existing roads or utilities, and report its findings. Supervisor Hudgins seconded the motion.

Following discussion, and input from David P. Bobzien, County Attorney, and Craig Carinci, Director, Environmental and Facilities Inspection Division, Department of Public Works and Environmental Services, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

52. **INTENT TO DEFER THE PUBLIC HEARING ON REZONING APPLICATION RZ 2003-LE-027 (LEE DISTRICT)** (12:12 p.m.)

Supervisor Kauffman announced his intent, later in the meeting, at the appropriate time to defer the public hearing on Rezoning Application RZ 2003-LE-027 to February 9, 2004, at 3 p.m.

(NOTE: Later in the meeting, the public hearing was formally deferred. See Clerk's Summary Item CL#75.)

53. **VIOLATORS OF SCHOOL BUS LAWS** (12:13 p.m.)

Supervisor Kauffman referred to a letter sent to the Governor from a constituent who is a County bus driver. He is very concerned about drivers who violate the law and ignore school bus flashing red lights, often racing by buses with no regard to the students' safety.

Supervisor Kauffman moved that the Board:

- Forward the letter, under letter from the Chairman, to the Police Chief's office for a reply outlining how enforcement of school bus laws can be increased.
- Direct staff to provide the Board with a response to the suggestion in the letter that uniformed police officers randomly accompany bus drivers and issue tickets to violators.

Supervisor Gross seconded the motion.

Following discussion, the question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

54. **DEFERRALS (PROVIDENCE AND DRANESVILLE DISTRICTS)** (12:14 p.m.)

The following deferrals were announced:

- Rezoning Application RZ 2003-PR-008 until February 23, 2004, at 5 p.m.
- Proffered Condition Amendment Application PCA 75-7-004-2 until February 23, 2004, at 5 p.m.
- Special Exception Amendment Application SEA 94-D-002 until February 9, 2004, at 3 p.m.
- Public Facilities Application 2232-D03-9 until February 9, 2004, at 3 p.m.
- Spot Blight Abatement Ordinance for 2211 Farougi Court until February 9, 2004, at 3 p.m.

(NOTE: Later in the meeting these public hearings were formally deferred. See Clerk's Summary Items CL#72, CL#73, and CL#74.)

55. **SLEEPING BAGS, BLANKETS, AND COATS** (12:16 p.m.)

(NOTE: Earlier in the meeting this issue was discussed. See Clerk's Summary Item CL#20.)

Chairman Connolly announced that groups working with homeless persons are in need of sleeping bags and extra blankets. The non-profit group FACETS, 703-352-6920, is collecting those items. Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Office of Public Affairs to publicize information about donation collections by non-profit groups. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

56. **RECOGNITION OF MASON DISTRICT SUPERVISOR PENNY GROSS** (12:17 p.m.)

Chairman Connolly announced that Supervisor Gross received the Scull award from the Washington Metropolitan Council of Governments, which is the highest award for regional leadership.

57. **RECESS/CLOSED SESSION** (12:20 p.m.)

At 12:20 p.m., Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in *Virginia Code* Section 2.1-344 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A)(1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A)(3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A)(7).

1. *Citizens of the District of Columbia, The District of Columbia, The Council of the District of Columbia, and The Members of the Council of the District of Columbia v. The United States of America, The United States*

Department of Justice, John Ashcroft, and The Commonwealth of Virginia and The State of Maryland, Civil Action No. 1:03-CV-01587-ESH, D.D.C.

2. *Fairfax County Republican Committee, et al. v. Fairfax County Electoral Board, In Chancery No. 186843 (Fx. Co. Cir. Ct.) (Countywide)*
3. *William J. Taylor v. Stephen M. Farmer, Stephen M. Farmer, P.C., Penelope Ann Rood, and Thomas Daines, At Law No. 218918 (Fx. Co. Cir. Ct.)*
4. *Board of Supervisors v. Batman/McNair Associates, L.P., et al., At Law No. 200418 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
5. *William E. Shoup, Fairfax County Zoning Administrator v. Lee G. Florist, In Chancery No. 187226 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
6. *William E. Shoup, Fairfax County Zoning Administrator, and John Wesley White, Director, Department of Public Works and Environmental Services v. Mark T. Worthington and Worthington Enterprises, Inc., In Chancery No. 180290 (Fx. Co. Cir. Ct.) (Lee District)*
7. *William E. Shoup, Fairfax County Zoning Administrator v. Masood Ahmed and Rafit Yasmin, In Chancery No. 187581 (Fx. Co. Cir. Ct.) (Lee District)*
8. *William E. Shoup, Fairfax County Zoning Administrator v. Wayne D. Parks and Rita S. Parks, In Chancery No. 187591 (Fx. Co. Cir. Ct.) (Hunter Mill District)*
9. *William E. Shoup, Fairfax County Zoning Administrator v. Pearl C. Royal, Case No. 04-283 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*

10. *William E. Shoup, Fairfax County Zoning Administrator v. Harriet E. Jackson*, Case No. 04-282 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
11. *William E. Shoup, Fairfax County Zoning Administrator v. Bridget Boadi*, Case No. 04-279 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
12. *William E. Shoup, Fairfax County Zoning Administrator v. Reynaldo O. Ventura*, Case No. 04-281 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
13. *William E. Shoup, Fairfax County Zoning Administrator v. Svetlana Cueto*, Case No. 04-280 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

And in addition:

- Board of Supervisors of Fairfax County, VA versus EC Property, LLC, et al.; Law Number 204276.
- Contract Negotiations with Logisticare Solutions, LLC.
- Williams versus County of Fairfax, et al., United States District Court for the Eastern District of Virginia, Civil Action Number 95-1255-A; United States Court of Appeals for the Fourth Circuit, Number 96-1109.
- Fairfax Coalition of Police, Local 5000, et al. versus Fairfax County, Virginia, et al.; C.A. 03-1068-A.

This motion, the second to which was inaudible, carried by a vote of nine, Supervisor McConnell being out of the room.

NV:nv

At 3:41 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ADDITIONAL BOARD MATTER58. **WEATHER UPDATE** (3:41 p.m.)

Chairman Connolly announced that the weather report currently indicated that conditions were expected to worsen beginning at 7 p.m., but he expected the Board to have completed its agenda well before that time.

ACTIONS FROM CLOSED SESSION59. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (3:41 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hudgins seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

60. **ACTING CHIEF OF POLICE** (3:42 p.m.)

Anthony H. Griffin, County Executive, announced the appointment of Lieutenant Colonel Suzanne Devlin, Deputy Chief of Police, as Acting Chief of Police effective upon the departure of Chief J. Thomas Manger on January 30, 2004. He did note that this was a difficult decision because all three deputy chiefs have fine credentials, and he expected all three to be competitive in terms of the permanent position.

61. **AUTHORIZATION OF THE SETTLEMENT OF BOARD OF SUPERVISORS VERSUS EC PROPERTY, LLC** (3:43 p.m.)

Supervisor McConnell moved that the Board authorize the settlement of *Board of Supervisors versus EC Property, LLC, et al.*, At Law Number 204276, according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion, which carried by unanimous vote.

AGENDA ITEMS**62. 3 P.M. – ANNUAL MEETING OF THE FAIRFAX COUNTY SOLID WASTE AUTHORITY (3:43 p.m.)**

At 3:43 p.m., the annual meeting of the Fairfax County Solid Waste Authority was called to order by Chairman Connolly in accordance with Article III, Section I of the bylaws.

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Gerald E. Connolly Chairman, Fairfax County Board of Supervisors	– Chairman
Sharon Bulova Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	– Secretary
Robert L. Mears Director, Office of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Anthony H. Griffin County Executive	– Executive Director
Joyce M. Doughty Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services (DPWES)	– Authority Representative

Supervisor Kauffman seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the minutes from the January 27, 2003, meeting of the Fairfax County Solid Waste Authority. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

Supervisor Gross moved approval of the financial statements for the Authority as presented to members of the Authority. Supervisor Kauffman seconded the motion and it carried by unanimous vote.

A brief discussion ensued, with input from Ms. Doughty and Mr. Griffin, regarding providing power to the Fairfax County Water Authority, the length of time that Covanta Fairfax, Incorporated will operate the I95 Energy/Resource Recovery Facility, and as well as possible actions resulting from an upcoming meeting of the Board's Environmental Committee.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor Kauffman seconded the motion, which carried by unanimous vote.

At 3:48 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

PW:pw

63. **3 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 115 (LOCAL AGRICULTURAL AND FORESTAL DISTRICT), APPENDIX F, AGRICULTURAL AND FORESTAL DISTRICT APPLICATION AR 92-V-001 (BELMONT BAY FARM, LIMITED, ET AL) (MOUNT VERNON DISTRICT)** (3:48 p.m.)

(NOTE: At its October 20, 2003, meeting the Board deferred the public hearing on this item until January 26, 2004.)

Supervisor Hyland moved to defer the public hearing on proposed amendments to the Code of the County of Fairfax, Chapter 115 (Local Agricultural And Forestal District), until **February 23, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Frey, and Supervisor Kauffman being out of the room.

64. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 01-M-038 (SPRINT PCS/APC REALTY AND EQUIPMENT COMPANY, LLC) (MASON DISTRICT)** (3:49 p.m.)

The application property is located at 7212 Early Street, Tax Map 60-3 ((24)) 9B.

Ms. Janet Brown reaffirmed the validity of the affidavit for the record.

Ms. Brown had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. James Michal

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Jackson and Campbell, P.C.

Following the public hearing, Fran Burnszynski, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 01-M-038, subject to the development conditions dated December 3, 2003.
- Waiver of the interior parking lot landscaping pursuant to the provisions of Paragraph 6 of Section 13.201 of the Zoning Ordinance.
- Modification of the screening requirement along the northeastern and southwestern property boundaries and waiver of the barrier requirement along the northeastern and southwestern property boundaries.

Supervisor Hyland seconded the motion and it carried by a vote of six, Supervisor DuBois, Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth being out of the room.

65. **3 P.M. – PH ON REZONING APPLICATION RZ 2003-MV-023 (CENTEX HOMES) (MOUNT VERNON DISTRICT)** (3:59 p.m.)

- (O) The application property is located in the southwest quadrant of the intersection of Richmond Highway and Central Avenue, Tax Map 101-4 ((6)) 1-5, 7B, 7C, and 7D.

Mr. Robert Lawrence reaffirmed the validity of the affidavit for the record.

Mr. Lawrence had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Howard B. Katz, Centex Homes

Following the public hearing, Leslie Johnson, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Hyland moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-MV-023, from the C-8, R-2, and HC Districts to the PDH-8 and HC Districts, subject to the proffers dated November 18, 2003.
- Waiver of the 600-foot maximum length requirement for private streets.
- Waiver of the service drive requirement along Richmond Highway.
- Approval of a variance, pursuant to Section 16-401 of the Zoning Ordinance, to permit the proposed wall along Richmond Highway to be up to seven feet in height.

Supervisor Hudgins seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, and Chairman Connolly voting "AYE," Supervisor Kauffman, Supervisor McConnell, and Supervisor Smyth being out of the room.

DMB:dmb

66. **3:30 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 3 (COUNTY EMPLOYEES), SECTION 3-1-23, PROVIDING LANGUAGE CONSISTENT WITH THAT OF THE STATE REGARDING FINGERPRINTING OF INDIVIDUALS IN SENSITIVE POSITIONS AND PROVIDING THE FINGERPRINTS TO THE FBI FOR A CHECK OF THE NATIONAL CRIME INFORMATION DATABASE** (4:08 p.m.)

(O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 8 and January 15, 2004.

Following the public hearing, discussion ensued with input from Peter D. Andreoli, Deputy County Attorney, and Anthony H. Griffin, County Executive.

Following additional discussion, Supervisor Gross moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 3 (County Employees), Section 3-1-23, and deleting item (H) on page 2 of Attachment 1, Proposed Ordinance Amendment. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being out of the room.

67. **3:30 P.M. – PH REGARDING THE CONTINUED LEASING OF COUNTY-OWNED PROPERTY AT 8333 RICHMOND HIGHWAY, ALEXANDRIA, VIRGINIA, TO THE ROYAL EMBASSY OF SAUDI ARABIA D/B/A THE ISLAMIC SAUDI ACADEMY (MOUNT VERNON DISTRICT)** (4:16 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of January 8 and January 15, 2004.

Following the public hearing, which included testimony by three speakers, Supervisor Hyland moved:

- Authorization of staff to execute a Third Addendum to Lease Agreement for the continued leasing of County-owned property at 8333 Richmond Highway, Alexandria, Tax Map Numbers 101-4 ((1))-005-A, 101-4 ((1)) 057, 101-4 ((8)) ((E) – 001, and 101-4 ((7)) – 001, the description of the property is shown on the map, Attachment A.
- Approval of Attachment B, entitled "County of Fairfax, Third Addendum to Lease Agreement for 8333 Richmond Highway, Alexandria, Virginia," to the Royal Embassy of Saudi Arabia d/b/a/ the Islamic Saudi Academy for the purpose of operating a private school.

Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Frey being out of the room.

68. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-009 (UNIWEST GROUP, LLC) (PROVIDENCE DISTRICT)** (No time)

(NOTE: Later in the meeting, this public hearing was formally deferred. See Clerk's Summary Item CL#70.)

69. **3:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT APPLICATIONS PCA 86-P-089-6/FDPA 86-P-089-3, PCA 86-W-001-10/FDPA 86-W-001-5-2-2, AND PCA 82-P-086-13/FDPA 82-P-069-14-3 (THE PETERSON COMPANIES LC) (SPRINGFIELD DISTRICT)**
(4:27 p.m.)

The Proffered Condition Amendment/Final Development Plan Amendment Applications PCA 86-P-089-6/FDPA 86-P-089-3 and PCA 86-W-001-10/FDPA 86-W-001-5-2-2 property is located in the southwest quadrant of the intersection of Fair Lakes Parkway and West Ox Road, north of Interstate 66, Tax Map 55-2 ((1)) 15 pt.

The Proffered Condition Amendment/Final Development Plan Amendment PCA 82-P-069-13/FDPA 82-P-069-14-3 property is located north of Interstate 66, approximately 2,000 feet west of West Ox Road, east of Fair Lakes Circle and south of Fair Lakes Parkway, Tax Map 55-2 ((1)) 14B1 pt.

Mr. Frank McDermott reaffirmed the validity of the affidavit for the record.

Mr. McDermott had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following discussion, Supervisor McConnell said that with regard to Proffered Condition Amendment Application PCA 86-P-089-6/Final Development Plan Amendment Application FDPA 86-P-089-3 and Proffered Condition Amendment Application PCA 86-W-001-10/Final Development Plan Amendment Application FDPA 86-W-001-5-2-2, and based on Mr. McDermott's representation, neither Centex Homes nor Ryland Homes are contract purchasers of the subject properties in these applications filed by The Peterson Companies L.C. She said that the Board has a Policy requiring deferral of public hearings for applications having the affidavits changed in less than seven business days before the public hearing and that she fully supports this Policy. Supervisor McConnell said that the Board's Policy also provides that the Board can, on its own motion, waive the seven-day deadline and that this is an extraordinarily unique circumstance meriting, in her judgment, the Board's waiver of the seven-day deadline. She said that the situation is unique because Centex Homes and Ryland Homes were included on the affidavits as contract purchasers because the applicant believed those relationships would be established by the time of the public hearing. However, Mr. McDermott informed the Board that Centex Homes and Ryland Homes are not, as yet, contract purchasers. Supervisor McConnell consulted with David Bobzien, County Attorney, and confirmed that Centex Homes and Ryland Homes were unnecessarily included on the affidavits for these zoning cases since neither Centex nor Ryland are contract purchasers of the subject properties and there exists no other relationship requiring inclusion of Centex Homes and/or Ryland Homes. Mr. McDermott filed revised affidavits on behalf of his client

excluding Centex Homes and Ryland Homes because of his statement regarding Centex and Ryland not yet being contract purchasers.

Based on the foregoing, Supervisor McConnell moved that the Board waive the seven-day rule applicable to amendments on affidavits for these land use cases in order to allow the Board to proceed with the public hearing and decision on these cases today. Supervisor DuBois seconded the motion and it **CARRIED** by a recorded vote of five, Supervisor Frey and Chairman Connolly voting "NAY," Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth being out of the room.

Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$200 from Mr. Frank McDermott

Supervisor McConnell disclosed that M. J. Wells and Associates, LLC has a business relationship with her company not related to this application.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. William H. Gordon

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Howard B. Katz, Ms. Deanna Peterson, Ms. Sharon Todd, Mr. Francis W. McDermott, and Ms. Arlene McDermott

Following the public hearing, William Mayland, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Discussion ensued with input from Mr. Mayland and John Friedman, Engineer IV, Site Development Services, Code Analysis Division, Department of Public Works and Environmental Services.

Following additional discussion, Supervisor McConnell moved approval of Proffered Condition Amendment Applications PCA 86-W-001-10 and PCA 86-P-089-06, subject to the proffers dated January 23, 2004. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Supervisor McConnell moved approval of Proffered Condition Amendment Application PCA 82-P-069-13, the Planning Commission having previously approved Final Development Plan Amendment Application FDPA 82-P-069-14-3 on January 22, 2004, subject to the executed proffers dated January 23, 2004. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Supervisor McConnell moved approval of Final Development Plan Amendment Applications FDPA 86-W-001-05-2-2 and FDPA 86-P-089-3, subject to the final development plan amendment conditions dated January 22, 2004, with the deletion of number 11. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Supervisor McConnell moved:

- Modification of the PDC District standards for the percentage of residential uses to permit 42 percent of the entire Government Center development as residential uses.
- Modification of the transitional screening and waiver of the barrier requirements along the southern boundary in accordance with landscaping depicted on the CDPA/FDPA.
- Waiver of the 200 foot setback for residential buildings from Interstate 66 to permit the residential units a minimum of 52 feet from the right-of-way as depicted on the CDPA/FDPA.
- Waiver of the 75 foot setback for commercial buildings from Interstate 66 to permit the commercial buildings a minimum of 28 feet from the right-of-way as depicted on the CDPA/FDPA.
- Variance of the maximum fence height to permit a noise wall with a maximum height of 48 feet along Interstate 66 and West Ox Road.
- Modification of the loading space requirements for the multi-family dwelling units on the western portion of the site to permit a total of two spaces, and a waiver of the loading space requirement for the stacked multi-family units on the eastern portion of the site.

Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

Supervisor McConnell said that the Peterson Companies, LC requested an exception to the criteria and requirements of the Chesapeake Bay Preservation Ordinance under Section 118-6-9, General Resource Protection Area Encroachment Exception to permit encroachment into the Resource Protection

Area for the uses depicted on Final Development Plan Amendment Applications FDPA 86-P-089-3, FDPA 86-W-001-05-2-2, and FDPA 82-P-069-14-3. She said that the application has been properly filed in accordance with the requirements of all applicable State and County Codes; and the Board has made the following findings of fact:

- The requested exception to the criteria is the minimum necessary to afford relief.
- Granting the exception will not confer upon the applicant any special privileges that are denied by this part to other property owners who are subject to its provisions and who are similarly situated.
- The exception is in harmony with the purpose and intent of the Chesapeake Bay Preservation Ordinance and is not of substantial detriment to water quality.
- The exception request is not based upon conditions or circumstances that are self-created or self-imposed.
- Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.
- The water quality benefits resulting from the proposed facility or improvement exceed the associated water quality detriments.

Supervisor McConnell said that while the construction of trails and public utilities depicted on the aforementioned FDPs are permitted or exempt uses in Resource Protection Areas and did not require an exception, the applicant addressed all the proposed encroachments as part of the Water Quality Impact Assessment and the exception request. Approval of the exception request will automatically permit all the proposed encroachments in the Resource Protection Area and eliminate the need for separate determinations that such activities are permitted.

Therefore, Supervisor McConnell moved approval of Exception Request Number 026133 under Section 118-6-9 of the Chesapeake Bay Preservation Ordinance to permit the encroachments into the Resource Protection Area depicted on Final Development Plan Amendment Applications FDPA 86-P-089-3, FDPA 86-W-001-5-2-2, and FDPA 82-P-069-14-3 subject to Proffered Condition Amendment Applications PCA 86-P-089-6, PCA 86-W-001-10, and PCA 82-P-069-13. She said that this approval shall be valid for as long as the FDPAs and PCAs remain valid. Additional PCAs and amendments to the approved final development plans may be approved as long as the amendment does not aggravate conflicts with the provisions of the Ordinance. Supervisor

Hyland seconded the motion and it carried by a vote of nine, Supervisor Smyth being out of the room.

70. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-009 (UNIWEST GROUP, LLC) (PROVIDENCE DISTRICT)** (5:02 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2003-PR-009 until **February 23, 2004, at 3 p.m.** This motion, the second to which was audible, carried by unanimous vote.

71. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-038 (GEORGE SIEMERING, DVM AND VICKIE Y. WATSON) (PROVIDENCE DISTRICT)** (5:02 p.m.)

(O) The application property is located in the northeast quadrant of the intersection of Arlington Boulevard and Executive Boulevard, Tax Map 49-3 ((1)) 102.

Mr. Frank W. Stearns reaffirmed the validity of the affidavit for the record.

Mr. Stearns had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. John G. Milliken

Following the public hearing, which included testimony by one speaker, Kristen Shields, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Following discussion, with input from David P. Bobzien, County Attorney, Supervisor Smyth moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-038, from the C-3 District to the C-6 District, subject to the proffers dated January 22, 2004. This motion, the second to which was inaudible, carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor McConnell being out of the room.

72. **4 P.M. – PH ON REZONING APPLICATION RZ 2003-PR-008 AND PROFFERED CONDITION AMENDMENT APPLICATION PCA 75-7-004-2 (LINCOLN PROPERTY COMPANY SOUTHWEST, INCORPORATED) (PROVIDENCE DISTRICT)** (5:20 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2003-PR-008 and Proffered Condition Amendment Application PCA 75-7-004-2 until **February 23, 2004, at 5 p.m.** Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

73. **4 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-D-002 AND PUBLIC FACILITIES REVIEW APPLICATION 2232-D03-9 (FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY) (DRANESVILLE DISTRICT)** (5:21 p.m.)

Supervisor DuBois moved to defer the public hearing on Special Exception Amendment Application SEA 94-D-002 and Public Facilities Review Application 2232-D03-9 until **February 9, 2004, at 3 p.m.** Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

74. **4 P.M. – PH ON SPOT BLIGHT ABATEMENT ORDINANCE FOR 2211 FAROUGI COURT (DRANESVILLE DISTRICT)** (5:21)

Supervisor DuBois moved to defer the public hearing on Spot Blight Abatement Ordinance for 2211 Farougi Court until **February 9, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

75. **4:30 P.M. – PH ON REZONING APPLICATION RZ 2003-LE-027 (PULTE HOME CORPORATION) (LEE DISTRICT)** (5:22 p.m.)

Supervisor Kauffman moved to defer the public hearing on Rezoning Application RZ 2003-LE-027 until **February 9, 2004, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Smyth being out of the room.

76. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 88-C-015 (SHEILA HARRELLE AND PRESTON HARRELLE) (SULLY DISTRICT)** (5:22 p.m.)

The application property is located at 3022 Ashburton Manor Drive, Tax Map 35-2 ((14)) 42.

Mr. and Mrs. Harrelle reaffirmed the validity of the affidavit for the record.

Mr. Harrelle and Mrs. Harrelle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and they proceeded to present their case.

Following the public hearing, William Sherman, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 88-C-015, subject to the proffers dated September 29, 2003. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor McConnell and Supervisor Smyth being out of the room.

77. **4:30 P.M. – PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 78-S-063-3 (WESTFIELDS CORPORATE CENTER ASSOCIATES, LIMITED PARTNERSHIP) (SULLY DISTRICT)**
(5:27 p.m.)

The application property is located north and south of the intersection of Westfields Boulevard, Sully Road, and Stonecroft Boulevard, Tax Map 44-1 ((1)) 6; 44-1 ((4)) 35; 44-3 ((1)) 10A, 15; 44-3 ((6)) 7, 14E and 21F.

Mr. Carson Lee Fifer, Jr. reaffirmed the validity of the affidavit for the record.

Mr. Fifer had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$200 from the Mark Winkler Company and Marriott Hotel Services in its capacity as manager of the Westfields Marriott

Supervisor Hudgins disclosed the following campaign contribution which she had received:

- In excess of \$200 from the Mark Winkler Company

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$200 from Mr. Henry Long, Ms. Elissa White, Randall B. Kell, Mr. Francis W. McDermott, and Ms. Arlene McDermott

Supervisor DuBois disclosed the following campaign contribution which she had received:

- In excess of \$200 from the Mark Winkler Company

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of Proffered Condition Amendment Application PCA 78-S-063-3, subject to the proffers dated August 28, 2003. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

ADDITIONAL BOARD MATTER

78. **SCHEDULED MEETINGS** (5:35 p.m.)

Chairman Connolly reminded the Board of the Environmental Committee meeting that has been rescheduled for Friday, January 30, 2004, at 2:30 p.m., which will be followed by the Legislative Committee meeting scheduled at 4 p.m.

79. **BOARD ADJOURNMENT** (5:35 p.m.)

At 5:35 p.m., the Board adjourned.

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